

ORIGINAL

EX PARTE OR LATE FILED

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JENNIFER DAVIS CAREY
DIRECTOR OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

RECEIVED

DEC 28 2000

FCC MAIL ROOM

JAMES CONNELLY
CHAIRMAN
W. ROBERT KEATING
COMMISSIONER
EUGENE J. SULLIVAN, JR.
COMMISSIONER
PAUL B. VASINGTON
COMMISSIONER
DEIRDRE K. MANNING
COMMISSIONER

December 27, 2000

SENT VIA EXPRESS MAIL

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

RE: EX PARTE -- Massachusetts Department of Telecommunications and Energy's
Petition for Delegation of Additional Authority to Implement Number
Conservation Measures, CC Docket 96-98, NSD File No. L-00-169

Dear Ms. Salas:

The Massachusetts Department of Telecommunications and Energy ("MDTE") requests that the Federal Communications Commission ("FCC") consider the attached letter to FCC Chairman Kennard and Commissioners from the MDTE in this docket.

In accordance with 47 C.F.R. § 1.1206, two copies of this submission are being filed with you.

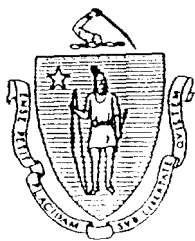
Sincerely,

William P. Agee
Assistant General Counsel

Encs.

No. of Copies rec'd 0 + 1
List A B C D E

Fax: (617) 345-9102
www.magnet.state.ma.us/dpu/



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY

ONE SOUTH STATION

BOSTON, MA 02110

(617) 305-3500

MARGARET PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JENNIFER DAVIS CAREY
DIRECTOR OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

RECEIVED

DEC 28 2000

FCC MAIL ROOM

JAMES CONNELLY
CHAIRMAN
W. ROBERT KEATING
COMMISSIONER
EUGENE J. SULLIVAN, JR.
COMMISSIONER
PAUL B. VASINGTON
COMMISSIONER
DEIRDRE K. MANNING
COMMISSIONER

December 22, 2000

William E. Kennard, Chairman
Susan Ness, Commissioner
Harold W. Furchtgott-Roth, Commissioner
Michael K. Powell, Commissioner
Gloria Tristani, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: EX PARTE Massachusetts Department of Telecommunications and Energy's
Petition for Delegation of Additional Authority to Implement Number
Conservation Measures, CC Docket No. 96-98, NSD File No. L-00-169

Dear Chairman Kennard and Commissioners Ness, Furchtgott-Roth, Powell, and Tristani:

The Massachusetts Department of Telecommunications and Energy ("MDTE") files these ex parte comments in the above-captioned docket, the MDTE's Petition for Delegation of Additional Authority to Implement Number Conservation Measures ("Petition"), filed with the Federal Communications Commission ("Commission") on August 2, 2000. For the reasons set forth below, the MDTE respectfully requests that the Commission immediately grant the MDTE's Petition for Delegated Authority so that the MDTE may implement thousands-block number pooling in the 413 NPA and thereby delay the need for the creation of a new area code for western Massachusetts for several years, if not longer.

The MDTE makes this request for immediate Commission action only because it has experienced the paralyzing effects of delay once before. As you know, the MDTE petitioned the Commission for delegated authority to impose code conservation measures in

Massachusetts' Eastern LATA on February 17, 1999.¹ The demand for numbering resources in Eastern Massachusetts was so great, however, that by the time the Commission acted on the MDTE's petition seven months later, on September 15, 1999, the four Eastern Massachusetts area codes were depleted to such an extent that number pooling was no longer a viable means of code conservation, and the MDTE had no choice but to order relief. The grant of authority to conserve numbers in Eastern Massachusetts came when there was nothing left to conserve. We fear a repetition of an untimely grant for Western Massachusetts.

In the instant matter, the MDTE petitioned the Commission for code conservation authority in the 413 NPA on August 2, 2000. Although more than four months have elapsed, the MDTE believes that it is still possible to extend the life of the 413 NPA, but only if the MDTE is able to act quickly to implement code conservation measures, most significantly number pooling.² Based on data submitted to the MDTE by codeholders in the 413 NPA, wireline carriers' projected demand for new numbering resources can be largely satisfied with thousands-blocks reclaimed for the pool, but only if wireline carriers are promptly assigned new numbering resources in thousands-blocks instead of in full exchange codes. In addition, wireless carriers project an aggregate demand for only 71 full exchange codes through the end of 2003, while as of October 2000 there were 263 full exchange codes available for assignment in the 413 NPA. The MDTE is confident that number pooling has the potential to extend the life of the 413 NPA for at least a year, possibly two or more. However, the longer that carriers continue to be assigned new numbering resources in full thousands-blocks, the less effective the MDTE's code conservation efforts will be in forestalling the need for relief.

Unless the Commission acts swiftly to grant the MDTE's Petition, the MDTE will have no choice but to order relief, bringing the number of new area codes the MDTE has been forced to implement in the last three years to seven. Immediate action by the Commission is requested, because immediate action is necessary before the MDTE can take any affirmative steps to address the growing crisis in the 413 NPA.

In short, we cannot act to conserve unless the Commission authorizes us. That requested authority has value if and only if it comes very soon. A delayed grant (as with the

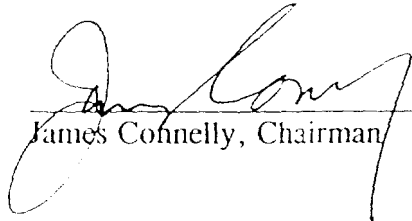
¹ In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, NSD File No. L-99-19, Commission 99-246 (September 15, 1999).

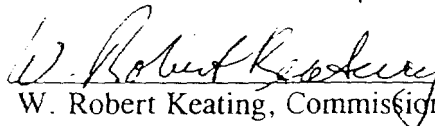
² Although the 413 NPA is predicted to exhaust during first quarter 2002, NeuStar, Inc., the North American Numbering Plan Administrator ("NANPA"), has not yet declared the 413 NPA to be in jeopardy. Without a declaration of jeopardy, there is no rationing of codes in 413, and 413 could face exhaust even sooner than first quarter 2002 if carriers' demand for codes increases.

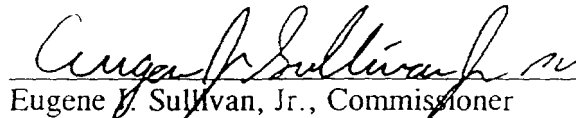
Eastern LATA) will have little or no value. If the answer is "yes," please tell us soon so that we may act. If the answer is "no," please tell us soon so that we may pursue a relief, rather than a conservation, path.

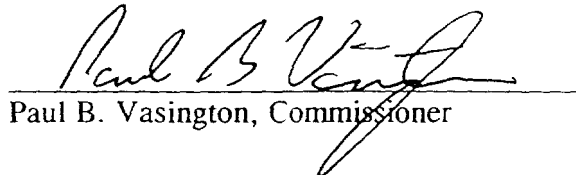
Thank you for your attention to the views expressed here and in the MDTE's earlier filings.

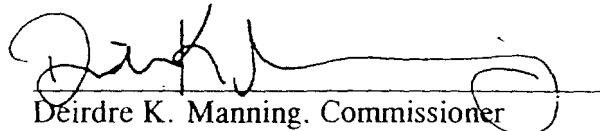
By the Commission,


James Connelly, Chairman


W. Robert Keating, Commissioner


Eugene J. Sullivan, Jr., Commissioner


Paul B. Vasington, Commissioner


Deirdre K. Manning, Commissioner

cc: Dorothy Attwood, Chief, Common Carrier Bureau
L. Charles Keller, Chief, Network Services Division
Service List